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11
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12 n/k/a Bollinger Innovations, Inc., David Michery, and Jonathan New

13   **UNITED STATES DISTRICT COURT**

14   **CENTRAL DISTRICT OF CALIFORNIA**

15 | IN RE MULLEN AUTOMOTIVE, INC. | Case No. 2:25-cv-01187-DMG-AGR
16 | SECURITIES LITIGATION II |
                                    | **DECLARATION OF JENNY PELAEZ**
17 | **IN SUPPORT OF DEFENDANTS'**
                                    | **REQUEST FOR JUDICIAL NOTICE**
18
                                    | [Filed concurrently with Request for
19 | Judicial Notice and [Proposed]
                                    | Order; Notice of Motion and Motion to
20 | Dismiss, Memorandum of Points and
                                    | Authorities, and [Proposed] Order]
21
                                    | Honorable Dolly M. Gee
22
                                    | Date: March 6, 2026
23 | Time: 9:30 a.m.
                                    | Courtroom No.: 8C
24
                                    | First Amended Complaint Filed:
25 | July 30, 2025

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PELAEZ DECL. IN SUPPORT OF DEFENDANTS' REQUEST FOR JUDICIAL NOTICE

1   I, Jenny Pelaez, declare as follows:

2   1.   I am a member of the California State Bar and the bar of this court, partner in the law firm of King & Spalding LLP, and counsel of record to Defendants Mullen Automotive, Inc. n/k/a Bollinger Innovations, Inc. ("Mullen"), David Michery, and Jonathan New. This Declaration is made in support of Defendants' Request for Judicial Notice in Support of Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint. The matters set forth in this declaration are based upon my personal knowledge.

2.   Attached hereto as **Exhibit 1** is a true and correct copy of Michery's Form 4, filed on December 2, 2022 with the U.S. Securities and Exchange Commission ("SEC"), which is publicly available through the SEC's website (https://www.sec.gov).

3.   Attached hereto as **Exhibit 2** is a true and correct copy of Mullen's Form 10-K, filed on January 13, 2023 with the SEC, which is publicly available through the SEC's website (https://www.sec.gov).

4.   Attached hereto as **Exhibit 3** is a true and correct copy of Michery's Form 4, filed on January 19, 2023 with the SEC, which is publicly available through the SEC's website (https://www.sec.gov).

5.   Attached hereto as **Exhibit 4** is a true and correct copy of Mullen's Form 10-K/A, filed on January 30, 2023 with the SEC, which is publicly available through the SEC's website (https://www.sec.gov).

6.   Attached hereto as **Exhibit 5** is a true and correct copy of Mullen's Form 8-K, filed on January 31, 2023 with the SEC, which is publicly available through the SEC's website (https://www.sec.gov).

7.   Attached hereto as **Exhibit 6** is a true and correct copy of Mullen's Form 10-Q, filed on February 14, 2023 with the SEC, which is publicly available through the SEC's website (https://www.sec.gov).

8.   Attached hereto as **Exhibit 7** is a true and correct copy of Mullen's Form 8-K, attaching February 14, 2023 press release, filed on February 14, 2023 with the

PELAEZ DECL. IN SUPPORT OF DEFENDANTS' REQUEST FOR JUDICIAL NOTICE

1   SEC, which is publicly available through the SEC's website (https://www.sec.gov).

2   9.   Attached hereto as **Exhibit 8** is a true and correct copy of Michery's Form

3   4, filed on February 17, 2023 with the SEC, which is publicly available through the

4   SEC's website (https://www.sec.gov).

5   10.   Attached hereto as **Exhibit 9** is a true and correct copy of New's Form 4,

6   filed on March 7, 2023 with the SEC, which is publicly available through the SEC's

7   website (https://www.sec.gov).

8   11.   Attached hereto as **Exhibit 10** is a true and correct copy of Mullen's Form

9   8-K, attaching April 18, 2023 and April 20, 2023 press releases, filed on April 20, 2023

10   with   the   SEC,   which   is   publicly   available   through   the   SEC's   website

11   (https://www.sec.gov).

12   12.   Attached hereto as **Exhibit 11** is a true and correct copy of Mullen's Form

13   10-Q, filed on May 15, 2023 with the SEC, which is publicly available through the

14   SEC's website (https://www.sec.gov).

15   13.   Attached hereto as **Exhibit 12** is a true and correct copy of Mullen's Form

16   8-K, attaching May 15, 2023 press release, filed on May 15, 2023 with the SEC, which

17   is publicly available through the SEC's website (https://www.sec.gov).

18   14.   Attached hereto as **Exhibit 13** is a true and correct copy of Michery's Form

19   4, filed on June 16, 2023 with the SEC, which is publicly available through the SEC's

20   website (https://www.sec.gov).

21   15.   Attached hereto as **Exhibit 14** is a true and correct copy of Michery's Form

22   4/A, filed on July 7, 2023 with the SEC, which is publicly available through the SEC's

23   website (https://www.sec.gov).

24   16.   Attached hereto as **Exhibit 15** is a true and correct copy of Mullen's Form

25   10-Q, filed on August 14, 2023 with the SEC, which is publicly available through the

26   SEC's website (https://www.sec.gov).

27   17.   Attached hereto as **Exhibit 16** is a true and correct copy of Michery's Form

28   4, filed on August 17, 2023 with the SEC, which is publicly available through the SEC's

1 website (https://www.sec.gov).

2   18.   Attached hereto as **Exhibit 17** is a true and correct copy of Mullen's

3 Definitive Proxy Statement, Schedule 14A, filed on November 8, 2023 with the SEC,

4 which is publicly available through the SEC's website (https://www.sec.gov).

5   19.   Attached hereto as **Exhibit 18** is a true and correct copy of Mullen's Form

6 10-K, filed on January 17, 2024 with the SEC, which is publicly available through the

7 SEC's website (https://www.sec.gov).

8   20.   Attached hereto as **Exhibit 19** is a true and correct copy of Mullen's Form

9 10-Q, filed on February 13, 2024 with the SEC, which is publicly available through the

10 SEC's website (https://www.sec.gov).

11   21.   Attached hereto as **Exhibit 20** is a true and correct copy of Mullen's Form

12 10-Q, filed on May 14, 2024 with the SEC, which is publicly available through the

13 SEC's website (https://www.sec.gov).

14   22.   Attached hereto as **Exhibit 21** is a true and correct copy of Mullen's Form

15 10-Q, filed on August 12, 2024 with the SEC, which is publicly available through the

16 SEC's website (https://www.sec.gov).

17   23.   Attached hereto as **Exhibit 22** is a true and correct copy of Mullen's Form

18 8-K, attaching August 26, 2024 press release, filed on August 26, 2024 with the SEC,

19 which is publicly available through the SEC's website (https://www.sec.gov).

20   24.   Attached hereto as **Exhibit 23** is a true and correct copy of Mullen's

21 September 20, 2024 Press Release titled, "Mullen Provides Update on Volt Mobility

22 $210 Million UAE Order" which is publicly available online at

23 https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-

24 uae-order.

25   25.   Attached hereto as **Exhibit 24** is a true and correct copy of Mullen's

26 Amendment No. 1 to Form S-1, filed on November 7, 2024 with the SEC, which is

27 publicly available through the SEC's website (https://www.sec.gov).

28   26.   Attached hereto as **Exhibit 25** is a true and correct copy of Mullen's Form

1 10-K, filed on January 24, 2025 with the SEC, which is publicly available through the

2 SEC's website (https://www.sec.gov).

3   27.   Attached hereto as **Exhibit 26** is a true and correct copy of Mullen's Form

4 10-Q, filed on February 19, 2025 with the SEC, which is publicly available through the

5 SEC's website (https://www.sec.gov).

6   28.   Attached hereto as **Exhibit 27** is a true and correct copy of Michery's Form

7 4, filed on March 6, 2025 with the SEC, which is publicly available through the SEC's

8 website (https://www.sec.gov).

9   29.   Attached hereto as **Exhibit 28** is a true and correct copy of Mullen's Form

10 10-Q, filed on May 20, 2025 with the SEC, which is publicly available through the

11 SEC's website (https://www.sec.gov).

12   30.   Pursuant to Local Rule 7-3, counsel for the parties conferred by telephone

13 on September 24, 2025 regarding the grounds for Defendants' motion to dismiss. The

14 parties did not reach an agreement on the issues raised in Defendants' motion to dismiss.

15   I declare, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the

16 foregoing is true and correct on this 30th day of September 2025, at Los Angeles,

17 California.

18   Respectfully submitted,

19   /s/Jenny Pelaez

20   JENNY PELAEZ

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PELAEZ DECL. IN SUPPORT OF DEFENDANTS' REQUEST FOR JUDICIAL NOTICE